

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Compassionate Appointment to Sri A. Mallesham, S/o Late A. Rangaiah, Head Warder, in Prisons Department – Orders – Issued.

---

HOME (PRISONS. A) DEPARTMENT

**G.O. Ms. No.220**

Date: - 22-10-2008

Read the following: -

1. Proceedings of the DIG of Prisons (TR), Hyderabad, No. DIG (TR)/OS1/148/99-4218, dated 02-08-1999.
2. Proceedings of the DIG (TR), Hyderabad, No. DIG (TR)/OS1/1483/99-5044, dated 03-11-1999.
3. Judgment of the Hon'ble High Court of A.P., in WP No. 9677 of 2005, dated 28-04-2005.
4. Proceedings of the Addl. IG of Prisons, Hyderabad, No. Addl. IG(DT&TR)/OS1/2007-6659-61, dated 17-12-2008.
5. Order of the Hon'ble High Court of A.P., in Contempt Case No. 1332 of 2007 in WP No. 9677 of 2005, dated 28-01-2008.
6. From the Government Pleader for Services-I, High Court of A.P., Letter, dated 17-07-2008 and 02-09-2008.
7. Order of the Hon'ble High Court of A.P., in Contempt Case No. 1332 of 2007 in WP No. 9677 of 2005, dated 21-08-2008.

\*\*\*

**ORDER:**

Sri A. Rangaiah, Head Warder (Retd), has submitted application to the DG&IGP&CS., AP., Hyderabad, for appointment to his son Sri A. Mallesham, as Record Assistant/Attender on 01-07-1999, under the scheme of medical invalidation. Sri A. Rangaiah, Head Warder, Central Prison, Cherlapalli, R.R. District, was permitted to retire from service on medical invalidation with effect from 12-02-1999. His date of retirement was revised to 15-05-1999, in the reference 1<sup>st</sup> read above, as the District Level Committee has ordered for his retirement on 15-05-1999.

**2.** The DIG of Prisons (TR), Hyderabad, in the reference 2<sup>nd</sup> read above, has rejected compassionate appointment to Sri A. Mallesham, S/o Sri A. Rangaiah, Head Warder (Retd), as he was ineligible for appointment on compassionate grounds under the scheme of medical invalidation, as his father was not left with five years of service from the date of retirement in terms Government Memo No. 36299/Ser.A/99-1, dated 25-06-1999. Aggrieved by the said orders, the individual has filed OA No. 7458/1999 before the Hon'ble APAT., Hyderabad, and it was dismissed by an order, dated 07-01-2005.

**3.** Aggrieved by the orders of Hon'ble APAT in OA No. 7458/1999, dated 07-01-2005, Sri A. Mallesham, S/o Sri A. Rangaiah, Head Warder, has filed W.P.No. 9677/2005 in the Hon'ble High Court. The Hon'ble High Court, in their Judgment, dated 28-04-2005, while remitting back the matter to the DIG of Prisons, has directed to consider the case of the petitioner for appointment under compassionate appointment scheme within two months. The Review Petition WPMP No. 20650/2005 in WP No. 9677/2005 filed by the DG&IGP&CS., AP., Hyderabad, was dismissed by the Hon'ble High Court on 12-06-2007.

**PTO**

**4.** The Additional IG of Prisons (TR), Hyderabad, in the reference 4<sup>th</sup> read above, has reconsidered the matter and rejected the compassionate appointment to Sri A. Mallesham, S/o A. Rangaiah, Head Warder (Retd), as the Government have dispensed with the scheme of compassionate appointment under medical invalidation vide orders issued in G.O. Ms No. 202 (GA) Department, dated 27-04-2002, pursuant to the orders of the Hon'ble High Court in WP No. 13489/2000, dated 12-10-2001. Aggrieved by the said proceedings Sri A. Mallesham, has filed Contempt Case vide No 1332/2007 before the Hon'ble High Court of A.P., to implement the orders passed in WP No. 9677 of 2005, dated 28-04-2005. The Hon'ble High Court, in the reference 5<sup>th</sup> read above, has directed to show cause either appearing in person or through the Advocate on 22-2-2008. The Government have filed necessary counter in the said Contempt Case.

**5.** The Government Pleader for Services-I, High Court of A.P., in the reference 6<sup>th</sup> read above, has informed that the Contempt Case was heard by the Hon'ble High Court of A.P., on 14-07-2008, and the Hon'ble High Court has observed that the orders of the Hon'ble High Court in WP No. 9677 of 2005, dated 28-04-2005, have been flouted. As per the advice of the Hon'ble High Court, the Government Pleader for Services-I, High Court of A.P., has advised the Government to consider the case of Sri A. Mallesham, and provide compassionate appointment to him as the order made in WP No. 9677/2005, has become final as per the observations of the Hon'ble High Court. On close examination, the Hon'ble High Court in the reference 7<sup>th</sup> read above, have found that "the Judgment of the court was not implemented in its true spirit and the grounds for rejecting the case of the petitioners, were not available after the Judgment of the Division Bench attained finality. The Respondents are granted two more weeks for compliance of the Judgment."

**6.** The Government after careful examination of the matter keeping in view of the orders of the Hon'ble High Court in Contempt Case No. 1332 of 2007 in WP No. 2007 and the Judgment of the Hon'ble Supreme Court in Civil Appeal No. 4210/2003, dated 12-08-2008, have decided to provide appointment to Sri A. Mallesham, S/o A. Rangaiah, under the scheme of compassionate appointment under medical invalidation duly relaxing the orders issued in G.O. Ms. No. 202, GA (Services. A) Department, dated 27-04-2002 and Memo No. 36299/Ser.A/99-1, dated 25-06-1999, in favour of Sri A. Mallesham, as a special case, and it shall not be operated as a precedent to another case.

**7.** The Director General & Inspector General of Prisons, & Correctional Services Andhra Pradesh, Hyderabad, is directed to take further action for appointment of Sri A. Mallesham, S/o A. Rangaiah, Head Warder (Retd), as per his eligibility duly following the rule of reservation and Presidential Order and report compliance.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Director General and Inspector General of Prisons  
and Correctional Services, A.P., Hyderabad.  
The Additional Inspector General of Prisons (DT & TR),  
Hyderabad.

The Government Pleader for Services-I,  
High Court Buildings, Hyderabad.

SF/SC

// FORWARDED :: ORDER //

SECTION OFFICER